

SB3734



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3734

Introduced 2/11/2010, by Sen. Kwame Raoul - John J. Millner - William R. Haine - Tim Bivins - A. J. Wilhelmi, et al.

SYNOPSIS AS INTRODUCED:

720 ILCS 600/2

from Ch. 56 1/2, par. 2102

Amends the Drug Paraphernalia Control Act. Provides that "drug paraphernalia" includes individual tobacco wrappers, known as blunt wraps, whether in the form of a single tobacco leaf, sheet or tube, that typically consists of reconstituted tobacco leaf or flavored tobacco leaf; Provides that "blunt wrap" does not include a tobacco leaf wrap that is used in the manufacturing of a cigar with a pre-tax retail price of \$3 or more. Effective immediately.

LRB096 18707 RLC 34091 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Drug Paraphernalia Control Act is amended by
5 changing Section 2 as follows:

6 (720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

7 Sec. 2. As used in this Act, unless the context otherwise
8 requires:

9 (a) The term "cannabis" shall have the meaning ascribed to
10 it in Section 3 of the Cannabis Control Act, as if that
11 definition were incorporated herein.

12 (b) The term "controlled substance" shall have the meaning
13 ascribed to it in Section 102 of the Illinois Controlled
14 Substances Act, as if that definition were incorporated herein.

15 (c) "Deliver" or "delivery" means the actual, constructive
16 or attempted transfer of possession, with or without
17 consideration, whether or not there is an agency relationship.

18 (d) "Drug paraphernalia" means all equipment, products and
19 materials of any kind, other than methamphetamine
20 manufacturing materials as defined in Section 10 of the
21 Methamphetamine Control and Community Protection Act, which
22 are intended to be used unlawfully in planting, propagating,
23 cultivating, growing, harvesting, manufacturing, compounding,

1 converting, producing, processing, preparing, testing,
2 analyzing, packaging, repackaging, storing, containing,
3 concealing, injecting, ingesting, inhaling or otherwise
4 introducing into the human body cannabis or a controlled
5 substance in violation of the Cannabis Control Act, the
6 Illinois Controlled Substances Act, or the Methamphetamine
7 Control and Community Protection Act. It includes, but is not
8 limited to:

9 (1) kits intended to be used unlawfully in
10 manufacturing, compounding, converting, producing,
11 processing or preparing cannabis or a controlled
12 substance;

13 (2) isomerization devices intended to be used
14 unlawfully in increasing the potency of any species of
15 plant which is cannabis or a controlled substance;

16 (3) testing equipment intended to be used unlawfully in
17 a private home for identifying or in analyzing the
18 strength, effectiveness or purity of cannabis or
19 controlled substances;

20 (4) diluents and adulterants intended to be used
21 unlawfully for cutting cannabis or a controlled substance
22 by private persons;

23 (5) objects intended to be used unlawfully in
24 ingesting, inhaling, or otherwise introducing cannabis,
25 cocaine, hashish, or hashish oil into the human body
26 including, where applicable, the following items:

1 (A) water pipes;
2 (B) carburetion tubes and devices;
3 (B-1) individual tobacco wrappers, known as blunt
4 wraps, whether in the form of a single tobacco leaf,
5 sheet or tube, that typically consists of
6 reconstituted tobacco leaf or flavored tobacco leaf;
7 however, the term "blunt wrap", as used in this
8 Section, does not include a tobacco leaf wrap that is
9 used in the manufacturing of a cigar with a pre-tax
10 retail price of \$3 or more;

11 (C) smoking and carburetion masks;
12 (D) miniature cocaine spoons and cocaine vials;
13 (E) carburetor pipes;
14 (F) electric pipes;
15 (G) air-driven pipes;
16 (H) chillums;
17 (I) bongs;
18 (J) ice pipes or chillers;

19 (6) any item whose purpose, as announced or described
20 by the seller, is for use in violation of this Act.

21 (Source: P.A. 93-526, eff. 8-12-03; 94-556, eff. 9-11-05.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.